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Human rights situations that require the Council's attention

Albania, Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark* Estonia,* Finland,* France, Germany, Greece,* Hungary,* Ireland,* Italy,* Latvia, Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Poland,* Portugal, Romania,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

32/... Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 29/17 of 2 July 2015, and deploring the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while noting the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Belarus;[1]

2. *Expresses concern* at the situation of human rights in Belarus, the ongoing violations and the use of torture and ill-treatment in custody, the lack of response by the Government of Belarus to cases of enforced disappearance of political opponents, the

* State not a member of the Human Rights Council.

[1] A/HRC/32/48 and A/70/313.

impunity of perpetrators of human rights violations, the violations of labour rights amounting to forced labour, the significant gaps in anti-discrimination legislation, the pressure on defence lawyers and the lack of participation of opposition political parties in Parliament,

3. *Calls upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights law and with its human rights obligations and commitments, and not used to impede or unduly restrict the exercise of any human right, including the right to freedom of opinion and expression, the right to peaceful assembly and the right to freedom of association, including to form and join a trade union, as well as the freedom of the media;

4. *Acknowledges* engagement of Belarus in the twenty-second session of the universal periodic review, in 2015, calls upon Belarus to continue to work on the implementation of accepted review recommendations with the full participation of all of civil society, and takes note of the preparatory work done to date on its national plan of action on human rights;

5. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, including the number of persons sentenced to death or executed and the crimes for which it is applied, taking into account that transparency is a requirement of fair and effective criminal justice, requests him to continue to monitor developments and to make recommendations, and in this regard encourages the parliamentary working group on the death penalty to expedite its work;

6. *Urges* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the full independence and impartiality of the judiciary, the presumption of innocence, the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal established by law and to freely chosen legal representation throughout all proceedings, as well as the availability of information on the implementation of all sentences, while encouraging the Government to continue to reform the judiciary;

7. *Welcomes* the release of political prisoners in August 2015, calls for the reinstatement of the civil and political rights of former political prisoners, in particular in view of the parliamentary election of September 2016, strongly urges the Government of Belarus to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials and to prosecute alleged perpetrators and punish those found guilty, and to put an immediate end to the arbitrary arrest, detention and harassment of human rights defenders, political opponents and journalists, to arbitrary travel bans and to other policies aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society organizations, including by criminalizing the exercise of the right to freedom of association;

8. *Urges* Belarus to take all necessary steps ahead of the parliamentary election of September 2016 to reform its electoral legislation, and to follow the recommendations made by the Special Rapporteur and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe in this regard, while welcoming the growing openness of Belarus to dialogue and cooperation with the Office for Democratic Institutions and Human Rights, takes positive note of the establishment of an inter-agency group on electoral reform by the Government of Belarus, urges Belarus to ensure that the parliamentary election is free, fair, inclusive and peaceful while providing

for the equal treatment of all candidates before, during and after the vote, and to issue an invitation to the Office for Democratic Institutions and Human Rights for it to conduct an election observation mission;

9. *Strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to engage actively in the implementation of 2030 Agenda for Sustainable Development;[3]

10. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its thirty-fifth session and to the General Assembly at its seventy-second session;

11. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country with a view to assisting the Government of Belarus in fulfilling its international human rights obligations, and also urges the Government to extend full cooperation to thematic special procedures;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.

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[3] General Assembly resolution 70/1.